

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

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WARREN PATTERSON,

Plaintiff,

v.

A.W. CHESTERTON COMPANY, et  
al.,

Defendants.

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Civil No. 13-5584 (RBK/JS)

**AMENDED SCHEDULING ORDER**

For good cause shown, it is hereby ORDERED this 1st day of July, 2014, that defendants' attached request [Doc. No. 48] to extend the current scheduling deadlines is GRANTED. The parties are advised that no further extensions will be granted except upon presentation of a formal motion with a demonstration that manifest injustice will result if the motion is not granted; and it is further

ORDERED that the depositions listed in the attached letter shall be deemed to be Court Ordered and shall not be postponed absent good cause and leave of Court. Defendants are responsible for properly issuing and serving subpoenas to assure the appearances of the listed witnesses; and it is further

ORDERED that the following schedule shall be in effect:

1. Pretrial factual discovery is hereby extended to **August 29, 2014**.

2. Product identification motions for summary judgment shall be filed by **September 15, 2014**.

3. After the product identification motions are decided, and if necessary, the Court will set deadlines for expert reports and depositions.

**THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY  
RESULT IN IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).**

s/ Joel Schneider  
JOEL SCHNEIDER  
United States Magistrate Judge



June 26, 2014

David.blow@sedgwicklaw.com

**VIA ECF**

Hon. Joel Schneider, U.S.M.J.  
United States District Court  
District of New Jersey - Camden Vicinage  
Mitchell H. Cohen Building & U.S. Courthouse  
4th & Cooper Streets  
Camden, NJ 08101

**RECEIVED**

**JUN 26 2014**

JOEL SCHNEIDER  
U.S. Magistrate Judge

**Re: Margaret Patterson o/b/o Estate of Warren Patterson v. A.W. Chesterton Co., et al.  
Civil No. 13-5584 (RBK/JS)**

Dear Judge Schneider:

This office represents General Electric Company (GE), CBS (Westinghouse) and Foster Wheeler in the above referenced matter. The purpose of this letter, written on behalf of most, if not all defendants is to seek an extension of the Product Identification Summary Judgment Motion and fact discovery deadlines. As per the Amended Scheduling Order, Product Identification motions are to be filed by June 28, 2014. In light of Plaintiffs' May 19, 2014 supplementation to Rule 26 Disclosures with the names of six "drywall" witnesses (Exhibit A), and Plaintiffs' May 21, 2014 supplementation with the name of a Naval vessel exposure witness (Exhibit B), all Defendant's collectively and respectfully request an extension of time to depose necessary witnesses.

Defendants and Plaintiffs have met and conferred on the issue and Plaintiff has agreed to a "reasonable" extension of time. Defendants offered 60 days as a reasonable amount of time in light of the late witness identification and potentially conflicting summer vacations to conduct proper investigations and depose the listed witnesses. Plaintiffs' counsel, by prior correspondence had agreed to try in good faith to schedule depositions that Defendants wanted and would try to have the witnesses agree to appear voluntarily at mutually agreeable times and has begun to do so. To date, however, defendants, through no fault of our own, have only been able to depose two of the recently listed witnesses: Preston Brooks and Bill Mulligan. It would have been impossible to conduct all of these depositions between the May 19, 2014 witness identification and the May 30, 2014 fact discovery deadline, and despite our efforts, we were unable to conduct the remainder of the depositions before having to file our product identification motions on June 28, 2014. It is essential that we have relevant testimony before we do so.

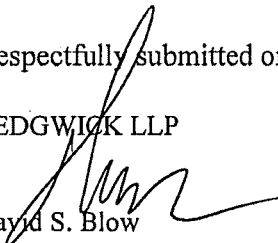
Since Plaintiff has agreed to produce the witness, but cannot guaranty precise dates, Defendants propose that:

1. **Herman Frank** be produced voluntarily on or before **July 15, 2014** or be subpoenaed by defendants for deposition before the fact discovery deadline;
2. **Steven Tomasso** be produced voluntarily on or before **July 30, 2014** or be subpoenaed by defendants for deposition before the fact discovery deadline;
3. **James Fergusson** be produced voluntarily on or before **August 15, 2014** or be subpoenaed by defendants for deposition before the fact discovery deadline;
4. **James Batchelor** be produced voluntarily on or before **August 22, 2014** or be subpoenaed by defendants for deposition before the fact discovery deadline;
5. Plaintiff, **Margaret Patterson** be produced on or before **August 29, 2014**;
6. Fact discovery ends on **August 29, 2014**;
7. Dispositive motions be filed on or before **September 30, 2014**.

This schedule was proposed to Plaintiffs' counsel yesterday with no response as of the time of this letter.

Respectfully submitted on behalf of Defendants,

SEDGWICK LLP

  
David S. Blow

Encs.

cc: All Parties of Record via ECF